

THE BAY AREA SEWAGE SERVICES AGENCY ACT

(Including 1974 Amendments)

JANUARY 1975

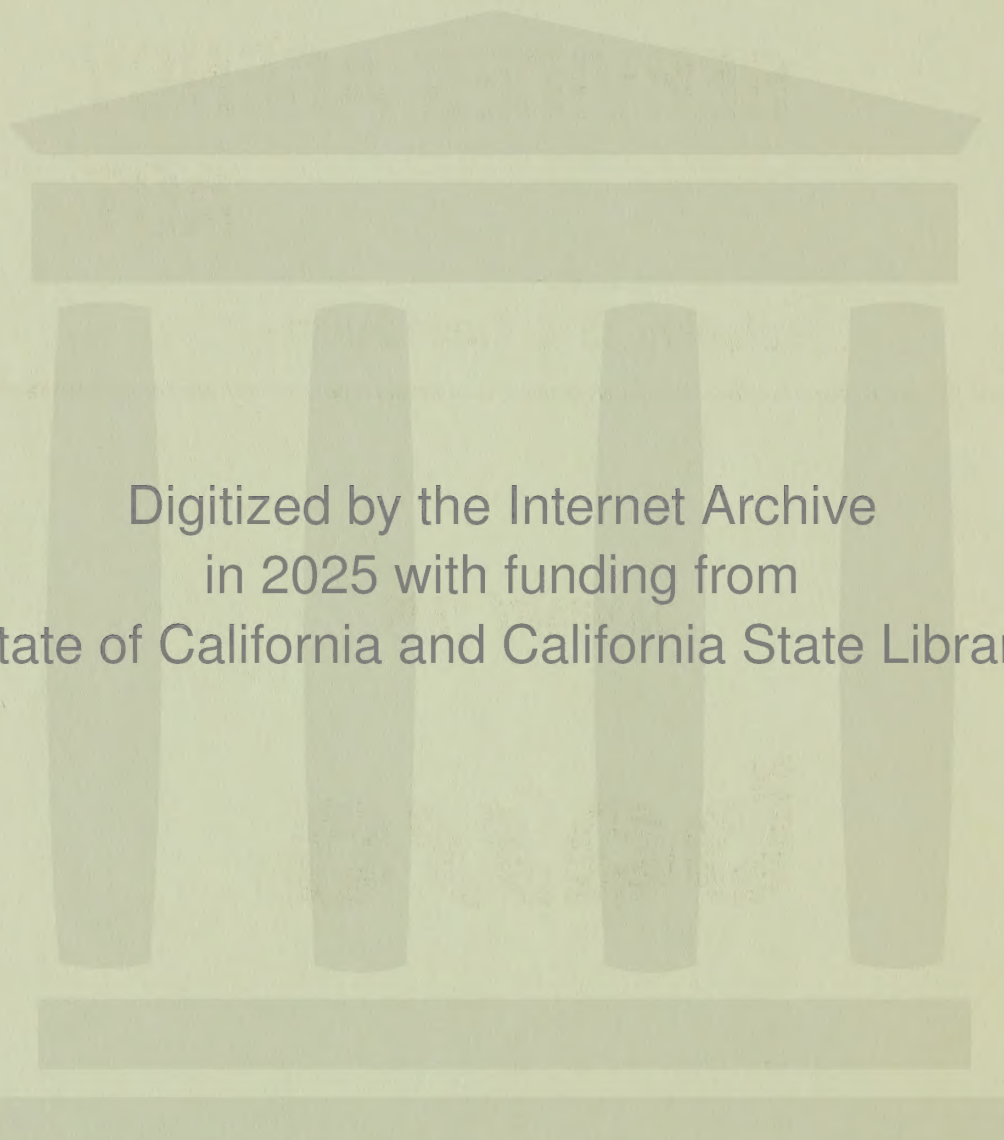
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DIVISION 9 OF CALIFORNIA WATER CODE
BAY AREA SEWAGE SERVICES AGENCY LAW

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DIVISION 9. BAY AREA SEWAGE SERVICES AGENCY

PART 1. GENERAL PROVISIONS

CHAPTER 1. LEGISLATIVE FINDINGS AND DECLARATIONS

16000. This division shall be known and may be cited as the Bay Area Sewage Services Agency Law.

16001. The Legislature hereby finds and declares that the public has an interest in the San Francisco Bay as the most valuable single natural resource of the bay area, a resource that gives special and unique character to that region; that the bay is a single body of water that serves many beneficial uses; and that the bay operates as an integrated physical system in which changes in one part may also affect all other parts; and that preservation and enhancement of the water quality in the bay is essential to the social and economic well-being of the region.

16002. The Legislature finds and declares that the quality of bay area waste waters and the uncoordinated disposal of such waste waters in the bay could threaten the integrity of the bay itself; that there is urgent need to finalize and implement a plan which will provide for a coordinated areawide approach to disposal and reclamation of municipal and industrial waste waters including consolidation of waste treatment facilities and the reduction of waste water loads in the bay and its estuaries; that there are more than 100 different local agencies performing sewerage functions in the region and in addition there are more than 70 industries that discharge their waste waters to the bay rather than to public sewer systems; that although some cities, districts and counties have prepared detailed plans for their own waste water treatment and disposal needs, no permanent governmental mechanism exists for evaluating individual treatment and disposal systems so as to determine their effect on the entire bay; that the collection, treatment, disposal and reclamation of waste water must be planned in a coordinated manner so as to protect, conserve and enhance the many beneficial uses which can be made of the bay waters; that the waste water treatment and disposal facilities of local agencies vary widely as to their adequacy and as to the quality of waste discharged into the bay; that maintenance of water quality and the treatment, disposal and reclamation of waste waters are areawide problems which cannot be planned for by the individual local agencies and industries acting alone; that the financial resources and jurisdictional authority of individual local agencies are insufficient to provide the necessary coordination of planning and research for regional treatment, disposal and reclamation facilities.

16003. The Legislature finds and declares: that the only feasible way to protect the interests of the entire San Francisco Bay area and its inhabitants is to assign the responsibility for the coordination of planning water quality control facilities to an areawide agency with the

authority to adopt areawide plans for the conveyance, treatment, reclamation and disposal of municipal and industrial waste water; that it is the intent of the Legislature that such plans shall be implemented, insofar as possible, on a subregional basis by existing local agencies, or groups of local agencies within the respective subregions.

CHAPTER 2. DEFINITIONS

16010. The definitions contained in this chapter govern the construction of this division unless the context otherwise requires. The definition of a word or phrase applies to any variants thereof.

16011. "Agency board" means the legislative and governing body of the Bay Area Sewage Services Agency.

16012. "Agency" means the Bay Area Sewage Services Agency.

16013. "Bay" or "San Francisco Bay" includes all or any portions of the San Francisco Bay, San Pablo Bay and Suisun Bay within the region.

16014. "City" means any charter or general law city and any other city or town incorporated pursuant to law.

16015. "County" means any city and county and any charter or general law county.

16016. "Legislative body" means the legislative body or governing board of a county; city or special district.

16017. "Local agency" means any county, city, city and county, or special district.

16018. "Local sewage collection facilities" means facilities whose primary function is the collection or conveyance of sewage and other waste waters from the properties where such sewage and other waste waters are generated or originated. (Amended 1972.)

16019. "Plan", unless expressly limited, includes any general plan, specific plan or interim plan adopted by the agency board or the legislative body of any local agency.

16020. "Private person" means any human being, fiduciary, partnership, joint venture, unincorporated private organization, or private corporation.

16021. "Public agency" means any local agency and any department, board, commission, independent agency or instrumentality of a local agency or of the federal or state governments.

16022. "Region", as used in this part, means the City and County of

San Francisco and the Counties of Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara and San Mateo.

16023. "Regional" means any matter substantially affecting the incorporated or unincorporated territory, or the inhabitants or property therein, of two or more counties or cities or any combination of cities and counties.

16024. "Service charge" includes any fee, toll, rate, rental or other charge imposed for the furnishing of any governmental or proprietary facilities, services or products or for making any of the foregoing available, whether or not the same are actually used.

16025. "Special district" means any public corporation, other than a county or a city, or a city and county, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries.

16026. "Voter" means any elector registered pursuant to the Elections Code.

16027. "Water pollution" shall have the meaning contained in any definition of 'pollution', as set forth in Section 13050.

16028. "Water quality control" means the control of any factor which may affect the quality of the waters of the region, and includes the prevention and correction of pollution and nuisance.

16029. "Water quality control facilities" means all facilities used or intended to be used for the transmission, treatment, disposal or reclamation of municipal and industrial waste waters, including trunk-line and interceptor sewers, outfall sewerlines, facilities for the disposal of waste residuals, and facilities appurtenant to any of the foregoing but excluding local sewage collection facilities.

plan revision
= to Section 16029
11/10/02

PART 2. ESTABLISHMENT OF THE BAY AREA SEWAGE SERVICES AGENCY

16110. The Bay Area Sewage Services Agency, a regional body corporate and politic, is hereby established, comprising the entire territory of the region.

16111. The agency shall be known and designated as the "Bay Area Sewage Services Agency."

PART 3. NOTICE AND PUBLICATION

16125. Unless the provisions or context otherwise require, whenever any provision of this division requires notice to be published, posted or mailed, it shall be published, posted or mailed as provided in this part.

16126. Notice authorized or required to be given by publication, posting or mailing shall contain all matters required by any particular provision of this division or by any ordinance, resolution or order of the agency board. If any ordinance, resolution or order of the agency board gives notice and contains all matters required to be contained in any notice, a copy of such ordinance, resolution or order may be published, posted or mailed, in which case no other notice need be given.

16127. Whenever any notice is required to be given and the duty of giving such notice is not specifically enjoined upon some agency officer, the agency clerk shall give such notice or cause the same to be given.

16128. The agency board shall designate newspapers of general circulation published and printed within the region as the official agency newspapers in which all official publications of the agency shall be made. (Amended 1972.)

16129. All ordinances adopted by the agency board and any other resolution, order, notice or instrument authorized or required to be published shall be published in the official agency newspaper. In addition, the agency board may order the publication of any ordinance, resolution, order, notice or other instrument in one or more other newspapers of general circulation within any county or city in the region. Any failure to make publication in any newspaper other than the official agency newspaper, or any errors or defects in any such publication, shall not affect the validity of such ordinance, resolution, order, notice or other instrument, if it was published in the official agency newspaper in the time, form and manner required by law.

16130. Unless otherwise specified, any published ordinance, resolution, order, notice or other instrument shall be published pursuant to Section 6061 of the Government Code.

16131. If published notice shall be a notice of hearing, publication thereof shall be commenced at least 15 days prior to the date specified therein for hearing.

16132. Notice required to be posted shall be posted on or near the doors of the meeting room of the agency board or upon any official bulletin board customarily used for the purpose of posting such notices.

16133. Posted notice shall remain posted for not less than five days. If posted notice shall be notice of a hearing, posting shall be commenced at least 15 days prior to the date specified therein for hearing and shall continue to the time of hearing.

16134. Mailed notice shall be sent by first-class mail and deposited, postage prepaid, in the United States mails and shall be deemed

to have been given when so deposited. Requirements for mailed notice may be satisfied either (1) by personal delivery to the person entitled to such notice, in which case notice is deemed given upon such delivery, or (2) by delivery for transmission by any other usual means of communication, cost of transmission prepaid, in which case notice is deemed given upon such delivery.

16135. If mailed notice shall be notice of hearing, mailing thereof shall be made at least 15 days prior to the date specified therein for hearing.

16136. Mailed notice to the owners of land shall be given by mailing to the persons whose names and addresses appear on the last equalized assessment roll of a county.

16137. Mailed notice to a local agency shall be given by mailing to the clerk or secretary of such local agency or its legislative or governing body.

16138. Any public agency or private person to whom mailed notice is not required to be given by any provisions of this division may file with the agency clerk a written application requesting the giving of special mailed notice and specifying the matters for which such notice is desired. Thereafter special mailed notice shall be given in accordance with such application. Any failure to give such special mailed notice or any defects or errors therein shall not affect the validity of any act or determination of the agency board or of any agency officer.

PART 4. ORGANIZATION OF THE BAY AREA SEWAGE SERVICES AGENCY

CHAPTER 1. GOVERNMENT

16300. The legislative and governing powers of the agency shall be vested in the agency board which shall constitute the legislative and governing body of the agency.

16301. The agency board shall consist of trustees selected in accordance with this part and each trustee shall be a resident and registered voter of the county from which appointed. With exception of the City and County of San Francisco, each trustee shall be either an elective member of the legislative body of a county operating water quality control facilities, a city operating water quality control facilities, or a special district operating water quality control facilities within the region, or a member of the legislative body of such a special district appointed by virtue of holding an elective office in the legislative body of a county, city, or special district. With the exception of the City and County of San Francisco, no more than one trustee from one such city, county, or special district shall serve on the agency board at the same time. Trustees from the City and County of San Francisco shall be elected members of the board of supervisors except that

one trustee may be the chief administrative officer of the city and county. (Amended 1972.)

CHAPTER 2. LOCATION OF AGENCY OFFICES

16310. The headquarters offices and branch office of the agency and the meeting places of the agency board and its committees shall be located at such place or places as the agency board may designate.

16311. Except as otherwise authorized by the agency board, all permanent records of the agency shall be maintained on file in the headquarters office. Such permanent records, or copies thereof, which the agency board may authorize to be filed at any branch office shall be maintained on file in that office.

CHAPTER 3. AGENCY BOARD

Article 1. Agency Board Selection Committee

16320. In order to provide for the nomination of candidates for appointment to the agency board, a separate and distinct agency board selection committee is hereby established in each of the counties within the region, except within the City and County of San Francisco. The membership of each such selection committee shall consist of the mayor of each city within the county and the president of the board of directors of each special district having territory within the county which operates water quality control facilities. (Amended 1972.)

16321. The first meeting of the agency board selection committee of each county shall be held on or before June 30, 1972, in the chambers of the board of supervisors of such county for the purpose of making recommendations for appointments to the first board of agency. For purposes of organizing the first meeting of each agency board selection committee, the county clerk of each county shall act as temporary chairman of the agency board selection committee. The temporary chairman of each agency board selection committee shall fix a date and time for the first meeting of the committee and shall give mailed notice of such date and time to the mayor of each city within the county and the president of the board of directors of each special district having territory within the county which operates water quality control facilities, as defined in Section 16029. The committee shall meet on such date and at such time and thereafter shall meet on such dates and times as it may determine.

At the first meeting of the agency board selection committee, it shall select from its members a permanent chairman and such other officers as it deems necessary. The county clerk of each county as defined in Section 50270.5 of the Government Code shall act as the permanent secretary and recording

officer of the agency board selection committee organized within such county and all meetings of the committee shall be conducted in the presence of such county clerk or his deputy. In counties having an organized conference of mayors meeting on a regular basis, the chairman thereof may be designated as permanent chairman of the selection committee by virtue of such office. (Amended 1974.)

16322. At least 60 days prior to the expiration of the term of office of an agency board member, the agency board selection committee of the county from which the board member is appointed shall meet and make recommendations for appointment of a successor to such board member as provided in this chapter. The chairman of the selection committee shall fix a date, time, and place for such meeting and shall at least three weeks prior to the date fixed for the meeting inform the secretary of the date, time, and place. (Amended 1972.)

16323. Whenever, pursuant to Section 16338, an agency board selection committee is requested to make recommendations to fill a vacancy on the agency board, the chairman of the committee shall call a meeting of the committee and shall fix a date, time, and place for such meeting. Within three weeks prior to the date fixed for such meeting the chairman shall notify the committee secretary of the date, time, and place. The meeting shall be held not more than 30 days after the request is made. (Amended 1972.)

16324. At least two weeks prior to the date of each meeting of an agency board selection committee, the secretary, or temporary chairman in the case of the first meeting of the committee, shall give notice of the meeting to each member of the committee. The committee secretary shall also give reasonable notice to each member of the committee of the date, time, and place to which a meeting of the committee is continued. (Amended 1972.)

16325. A majority of the members of an agency board selection committee shall constitute a quorum of the committee. (Amended 1972.)

16326. The secretary of each agency board selection committee shall cause the minutes and recommendations of the committee to be recorded and transcribed. A copy of such transcribed minutes and recommendations, certified by the secretary and signed by the committee chairman, shall be forwarded to the board of supervisors of the county in which the committee is organized in the time specified in Article 2 (commencing with Section 16330) of this chapter. After appointment of the first agency board, a certified copy of such minutes and recommendations shall also be forwarded to the agency board. (Amended 1972.)

16327. Members of the agency board selection committee shall serve without compensation, but may receive actual and necessary expenses incurred in the discharge of their duties authorized by the agency board. (Amended 1972.)

Article 2. Composition of Agency Board

16330. A member of the board of supervisors of a county, or city and county, operating water quality control facilities within the region, a mayor or member of the city council of a city operating water quality control facilities within the region, or a member of the board of a special district operating water quality control facilities within the region may be appointed to and serve simultaneously as a member of the agency board. (Amended 1972.)

16331. The first agency board, appointed as provided for in this part, shall be composed of 21 trustees allocated among the counties of the region as follows:

- (a) Five trustees from the County of Alameda;.
- (b) Three trustees from the City and County of San Francisco;.
- (c) Five trustees from the County of Santa Clara;.
- (d) Two trustees from the County of Contra Costa;.
- (e) Two trustees from the County of San Mateo;.
- (f) One trustee from the County of Marin;.
- (g) One trustee from the County of Napa;.
- (h) One trustee from the County of Solano;.
- (i) One trustee from the County of Sonoma. (Amended 1972.)

16332. Subsequent to the appointment of the first agency board the number of members composing the board shall be determined as follows:

- (a) Each county within the agency shall be represented by one board member for each 225,000 persons within the county, and one additional member for each major fraction thereof. For the purposes of this section each "major fraction thereof" shall be deemed to be more than 50 percent of 225,000 persons.
- (b) Each county within the region shall have at least one representative on the agency board. In any case where the number of trustees representing a county is decreased by reason of a relative decrease in population, all trustees then in office representing the county shall be permitted to serve out the terms for which they were appointed.

16333. For the purpose of Section 16332, population shall be determined on the basis of the last official United States decennial census.

If between official United States censuses the agency board determines that the population of any county within the district has changed sufficiently to warrant adjustment in the number of trustees representing that county, the agency board may determine the number of trustees to represent that county on the basis of population estimates prepared by the State Department of Finance; provided, however, that changes in the number of trustees composing the agency board, if determined on the basis of population estimates, shall not be made more frequently than once each four years. (Amended 1972.)

16334. On or before July 15, 1972, the agency board selection committee

of each county within the region shall forward to the board of supervisors of the county a list of persons qualified as provided in Section 16301 as its recommendation for appointment as the trustee, or trustees, on the first agency board from its county. The list of candidates shall include three names for each trustee on the agency board allocated to the county.

On or before July 15, 1972, the board of supervisors of each county other than the City and County of San Francisco shall appoint from the list of names recommended by the county's agency board selection committee its trustees on the first agency board.

On or before July 15, 1972, the Board of Supervisors of the City and County of San Francisco shall appoint its trustees qualified as provided in Section 16301 to the first agency board. (Amended 1972.)

16335. The trustees shall be appointed for a term of four years from and after their appointment and until their respective successors shall be duly appointed and qualified; provided that the members of the first board shall classify themselves by lot so that seven of the trustees shall hold office for two years, seven of the trustees shall hold office for three years, and seven of the trustees shall hold office for four years, at the end of which terms their successors shall be appointed. The agency board selection committee that originally recommended the trustee whose term has expired shall make recommendations for his successor as provided in this chapter, and the board of supervisors shall appoint the successor for a full four-year term.

16335.1. At the time of appointing the trustees for each county pursuant to the provisions of Sections 16334 and 16335 the respective boards of supervisors may authorize and appoint an alternate for each regular trustee. The alternate trustee shall attend the meetings of the agency board and vote in the absence of the regular trustee. Alternates shall be selected from the list provided to each board of supervisors pursuant to Section 16334 and shall be qualified as provided in Section 16301. Alternates shall serve at the pleasure of the board of supervisors which has appointed them. (Amended 1972.)

16336. Each trustee or alternate appointed by a board of supervisors shall be appointed by a resolution adopted by that board.

Certified copies of all resolutions adopted pursuant to this section, together with notices of appointments made thereby shall be forwarded without delay to the persons appointed, the Secretary of State, and the clerk of the agency; provided, however, that copies of the resolutions making appointments to the first agency board shall be forwarded to the County Clerk of the County of Alameda, rather than the clerk of the agency. (Amended 1972.)

16337. If a trustee or alternate ceases to be qualified pursuant to Section 16301 during his term of office on the agency board, his membership on the agency board shall thereafter be considered vacant.

16338. Any vacancy in the agency board shall be filled for the unexpired term by appointment by the board of supervisors which originally made the appointment to the office in which the vacancy exists. The board of supervisors may make the appointment from the most current list of recommendations by the agency board selection committee or may request such committee to make new recommendations pursuant to this chapter. If the board of supervisors request the selection committee to make new recommendations, such request shall be made as soon as possible after the vacancy occurs. (Amended 1972.)

Article 3. Organization and Compensation of the Agency Board

16340. Each trustee, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution and laws of this state. A copy of the oath shall be filed with the clerk of the agency and the Secretary of State; provided, however, that copies of the oath of office of the first agency board shall be filed with the County Clerk of Alameda, rather than the clerk of the agency. (Amended 1972.)

16341. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a clerk who shall not be a member of the board, and shall provide for the time and place of holding its meetings which shall be held at least once a month.

16342. Each trustee shall be paid the sum of fifty dollars (\$50) for each agency meeting that he attends, whether a full board meeting or a meeting of a committee of the board, but he shall not be paid more than two hundred fifty dollars (\$250) in any one calendar month, nor shall he be paid for more than one meeting which he attends on the same day. Each trustee shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as may be authorized by the agency board.

16343. The board may appoint an executive committee consisting of the president and four other members. A majority of the members of the committee shall constitute a quorum for the transaction of business and a majority vote of those present shall carry any matter before the committee. The board may authorize the executive committee to exercise any powers possessed by the board. Any resolution, order, or ordinance adopted by the executive committee may be amended or repealed by a majority vote of all board members.

16344. Alternates may not vote on the executive committee when a regular member is absent.

16345. The board shall appoint one of the members of its finance committee as the agency board controller who shall hold office for the term prescribed in the agency bylaws. The agency board controller shall review and check expenditures of the agency and shall render a monthly report to the agency board. (Added 1974.)

Article 4. Meetings and Legislation

16350. The agency board or any committee thereof may meet and transact business at any place or places within the region.

16350.5. The County Clerk of Alameda County shall ascertain the names of the first trustees designated pursuant to this chapter and shall inform each trustee of the date, time, and place of the organizational meeting of the first agency board. The organizational meeting of the first agency board shall be held as soon as possible after July 15, 1972, on the date and at the time and place to be designated by the County Clerk of Alameda County. The County Clerk of Alameda County shall preside at the organizational meeting of the first agency board until the trustees have selected a president and vice president, but he shall have no vote in the selection of the president or vice president. (Amended 1972.)

16351. The agency board shall adopt rules establishing the location of its principal meeting place and fixing the dates and times of its regular meetings at such place. Such rules shall also establish a subsidiary meeting place in each county where any meetings in such county shall be held, unless otherwise ordered by the agency board, but need not fix any dates or times for holding meetings at such places.

16352. The agency shall be deemed a local agency under the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part I, Division 2, Title 5 of the Government Code and shall be subject to the provisions of that act and to the extent of any inconsistency between that act and this division, the provisions of this division shall control.

16353. The president, or in his absence the vice president, shall be the presiding officer of the agency board. In the absence of both the president and the vice president, the agency board may elect a president pro tem from among the trustees present at any meeting.

16354. A majority of the trustees shall constitute a quorum for the transaction of business and a majority vote of those present shall carry any matter before the agency board.

16355. Each trustee shall have one vote on the agency board.

16356. Acts of the agency board may be expressed by the adoption of ordinances, resolutions or orders.

16357. The enacting clause of all ordinances shall be: "The Bay Area Sewage Services Agency does ordain as follows:".

16358. No ordinance shall be passed by the agency board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting.

16359. Within 15 days after adoption of an ordinance, the agency clerk shall cause such ordinance to be published in the official agency newspaper.

16360. Every ordinance and resolution shall be signed by the president and attested by the agency clerk.

16361. The agency clerk shall file all ordinances and resolutions in separate books and shall prepare an index of all such ordinances and resolutions.

CHAPTER 4. AGENCY OFFICERS AND EMPLOYEES

Article 1. General Provisions

16370. The agency board shall appoint, fix the salary of, and may remove an agency general manager, who shall have full charge and control of the administration of the affairs of the agency, and shall be the chief planning officer and technical adviser of the board.

16371. In selecting a general manager the agency board shall give consideration to the applicant's experience with, and knowledge of, the functions, responsibilities and operations of water quality management and the relationship of the state, local and federal governments thereto.

16373. The general manager with approval of the board may appoint a finance director, a clerk, a treasurer, an attorney, and such other officers as the agency board may authorize, who shall hold office at the pleasure of the board. (Amended 1974.)

16375. The agency board may provide for assistants to any officer, to be appointed by the general manager with approval of the board, who shall hold office at the pleasure of the board and may perform any and all acts that their principal may perform, when authorized so to do by the board.

16376. The agency board may consolidate any of the agency offices in one person.

16378. The oath of office of all appointive officers of the agency shall be taken, subscribed and filed with the clerk of the agency at any time after the officer has notice of his appointment but not later than 15 days after the commencement of his term of office. No other filing is required.

16379. Each appointive officer shall give such bond and in such amount as the board may require, at the expense of the agency.

16380. All officers and employees not required by this article to be appointed by the agency board shall be appointed, and may be removed, by the general manager subject to the provision of the civil service ordinance.

16381. The agency board shall determine the compensation to be paid to each appointive officer and employee and for that purpose shall establish appropriate salaries or wages or ranges of salaries or wages.

16382. The general manager may authorize the payment of the actual and necessary expense incurred by any officer or employee in the performance of his duties subject to criteria approved by the board.

16383. The attorney shall take charge of all suits and other legal matters to which the agency is a party or in which it is legally interested. He shall be the chief legal adviser and the attorney for the agency, the agency board, and all officers of the agency. He shall prepare and approve the forms of all ordinances, resolutions, contracts, bonds, and other legal documents. He shall perform such other duties as the agency board or general manager may require.

16384. The finance director shall install and maintain a system of auditing and accounting which shall and at all times show the financial condition of the agency. He shall make payment for demands against the agency following approval by the general manager and the agency board. He shall perform such other duties as the agency board or general manager may require. (Amended 1974.)

16385. The treasurer shall be the custodian of the funds of the agency. He shall keep an account of all receipts and disbursements. (Amended 1974.)

16386. The agency treasurer shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in custody.

Article 2. Civil Service

16390. The board shall make rules to effect a civil service system, and for examinations, appointments, promotions, and removals, and from time to time may make changes in existing rules. All rules and all changes shall be forthwith printed for distribution by the board.

16391. The agency board may contract with any city, county, special district, or the state, or any officer, board or department of any thereof, for the performance or exchange of any services or the utilization of any facilities required in connection with the administration of the civil service system.

Article 3. Retirement Benefits

16400. The agency board shall provide for the payment of retirement

benefits to eligible officers and employees.

16401. The agency is authorized to participate in or to become a member of one or more retirement systems established by the state or by any city or county within the region.

CHAPTER 5. CONSULTANTS, ADVISORY COMMITTEE AND AUDIT

16500. The agency may contract with and employ any specially trained, experienced and competent persons to furnish the agency or any officer thereof special services and advice in financial, economic, accounting, legal, engineering, geological, architectural, planning, environmental or administrative matters and to pay such experts as it deems proper for the services rendered.

16501. The agency board shall appoint a technical advisory committee to review and to make recommendations and reports to the agency board on any regional water quality plans to be adopted by the agency. Such technical advisory committee shall be composed of the following membership:

- (a) One representative from each county who shall be a person professionally engaged in the field of water quality control.
- (b) One representative from the San Francisco Bay Regional Water Quality Control Board.
- (c) One representative from the Water Quality Office of the Federal Environmental Protection Agency.
- (d) Two representatives of bay area industry.
- (e) One professional engineer registered in California with experience in the water quality control field.
- (f) Three scientists in the field of marine biology or oceanography.
- (g) One representative from the areawide agency designated by the federal or state government to perform metropolitan or regional planning.
- (h) One representative from the Bay Conservation and Development Commission.

16502. The agency board may make any facilities of the agency available to the technical advisory committee and may provide for the officers and employees of the agency to furnish advice, assistance or services to the committee. Such officers and employees shall make available for examination by the committee all records and documents pertaining to the work of the committee.

16503. The agency board may appoint public advisory committees to review and to make recommendations to the agency board or to any officer of the agency on such subjects as the board may assign to any such committee. Persons appointed to any such committees shall have an interest, either as a member of the public or otherwise, in the subjects assigned to any such committee and shall include persons with broadly representative points of view on any such subjects. Persons appointed as members

of any public advisory committee shall serve without compensation, but the agency board may provide for the payment of the necessary and reasonable expenses of the committee and its members.

16504. The agency board shall appoint a qualified firm of certified public accountants to conduct an annual outside audit of the agency's fiscal records and accounts and to render an audit report for the fiscal year to the agency board. (Added 1974.)

PART 5. POWERS AND FUNCTIONS OF THE AGENCY

CHAPTER 1. GENERAL POWERS

16600. The agency has perpetual succession and may adopt a seal and alter it at pleasure.

16601. The agency may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

CHAPTER 2. PROPERTY

16610. The agency may acquire any real or personal property, within or without the region, or any interest in any such property, by deed, purchase, lease, contract, gift, devise or otherwise. The power of condemnation may be exercised only pursuant to Section 16682.

16611. The agency may dispose of any real or personal property, within or without the region, or any interest in any such property by deed, sale, lease, contract or otherwise.

CHAPTER 3. CONTRACTS

16620. The agency may make contracts for any purposes necessary or convenient for the full exercise of its powers.

16621. Except in the case of an emergency declared by the agency board, and in the case of contracts for professional services, contracts shall be made, after competitive bidding, with the lowest responsible bidder, if the estimated cost of:

- (a) Construction of any facility shall exceed ten thousand dollars (\$10,000); or
- (b) Purchase of any materials or supplies shall exceed four thousand dollars (\$4,000).

16622. Where competitive bidding is required, the agency board may provide for bids to be received and opened by the board, by the agency administrative officer or by any officer or employee designated by him.

16623. Before making any contract pursuant to Section 16621, the agency clerk shall publish a notice inviting bids therefor. The notice shall be published once in the official agency newspaper at least 10 days before the date specified therein for the opening of bids.

16624. The agency board may reject any or all bids received pursuant to a notice inviting bids. If all bids are rejected, or if no bids are received, the board may order the notice inviting bids to be re-advertised.

CHAPTER 4. INTERGOVERNMENTAL RELATIONS

Article 1. Intergovernmental Cooperation

16630. The agency, by contract or otherwise, may accept contributions from any public agency or private person and may make contributions to any public agency. Contributions may be in the form of money, labor, materials, real or personal property or the construction, maintenance and operation of any facility.

16631. The agency and any public agency may make any of their property or facilities available for the use of the other and may authorize their respective officers and employees to furnish advice, assistance or services to the other.

16632. The agency, upon request, may provide any local agency with advice and assistance in filing and processing applications for financial assistance with the state or federal government and in obtaining any such financial assistance.

Article 2. Joint Exercise of Powers

16640. The agency by agreement with any other public agency may provide for the joint exercise of any powers common to the contracting parties pursuant to Article 1 (Commencing with Section 6500), Chapter 5, Division 7, Title 1 of the Government Code.

CHAPTER 5. PLANNING

Article 1. Regional Water Quality Management Plan

16650. The agency shall develop and adopt a regional water quality management plan for that portion of the region defined as the "San Francisco Bay region" in subdivision (b) of Section 13200 and the remainder of Contra Costa County. The plan shall be based on land use projections of the areawide agency designated by the federal or state government to perform metropolitan or regional planning, and other

more detailed plans of local governments. The agency shall attempt to resolve any differences among local, regional and state projections of population to the extent that they will affect the development of the plan. The format and content of the plan shall be designed to satisfy the basic concepts of the water quality control and water reclamation elements of any metropolitan or regional plan adopted by the areawide agency designated by the federal or state government to prepare such plan. The plan shall include at least the following:

- (a) Facilities Plan. A system or systems for conveyance, treatment, reclamation and disposal of municipal and industrial waste waters in such a manner as to meet state policies, plans and requirements established pursuant to Division 7 (commencing with Section 13000). Insofar as practicable the facilities plan shall incorporate the existing plans of local or sub-regional agencies operating waste water treatment and disposal facilities.
- (b) Implementation Plan. Identification of the appropriate local agency or agencies, acting separately or through joint exercise of powers or other available procedures, which should be responsible for construction and operation of water quality control facilities; a recommended timetable for construction of such facilities; and a proposed financing plan including apportionment of costs. Insofar as possible the implementation plan shall make use of existing local agencies, or combinations of local agencies for construction and operation of the facilities plan, and shall make recommendations accordingly.

16651. In formulating the plan the agency shall harmonize the needs and goals of the entire region, the plans of local agencies within the region and the plans or planning activities of federal, state and other governmental or nongovernmental agencies and organizations which affect or are concerned with the water quality matters within the region.

16652. When the agency assumes responsibility for construction and operation of water quality control facilities pursuant to Section 16681 it shall make every effort to harmonize its activities with the needs, goals and programs of the local agencies involved.

16653. The agency shall comply with policies, plans and objectives adopted by the State Water Resources Control Board and the appropriate California regional water quality control boards for any and all of the waters within the region and for those waters outside the region which may have any effect inside the region, in the development of the water quality management plan. The agency may review and comment upon, prior to adoption or amendment, any water quality plans, objectives, standards and requirements proposed to be adopted by the State Water Resources Control Board, or any California regional water quality control board or the federal government insofar as the same may pertain to or affect the region.

Article 2. Adoption and Amendment of Regional
Water Quality Management Plan

16660. Not later than January 1, 1974, the agency board shall adopt a regional water quality management plan containing the elements specified in Section 16650. From time to time prior to January 1, 1974, the board may adopt a part of the plan.

16661. The regional water quality management plan and any amendment thereto may be in such form as the agency board prescribes and may consist of any combination of words, maps, graphic or other appropriate forms.

16662. The agency board may by ordinance amend or repeal all or part of the regional water quality management plan. The agency board shall continuously review the plan and the board shall make such changes therein as it deems advisable.

16663. Upon completion of all or any part of the proposed regional water quality management plan or any amendment thereof, the agency general manager shall submit the same to the technical advisory committee, and to the areawide agency designated by the federal or state government to perform metropolitan or regional planning, for their review and comments, which shall be submitted to the agency board along with the proposed plan or amendments thereof. Thereupon the agency board shall adopt a resolution providing for a hearing on the question of whether the proposed plan, portion of a plan or amendment should be approved and adopted by the board.

16664. A resolution providing for a hearing shall:

- (a) Concisely summarize the substance of the proposed regional water quality management plan, portion of a plan or amendment and refer to the same, on file with the agency general manager, for a full and complete description thereof.
- (b) Indicate where the proposed plan, portion of the plan or amendment may be examined and where copies thereof may be obtained.
- (c) Fix a time, not less than 15 days or more than 75 days after adoption of such resolution, and the place of hearing by the agency board on the question of whether the proposed plan, portion of the plan or amendment, shall be approved and adopted by the board.

16665. The agency clerk shall give notice of any such hearing by publication and by posting. Mailed notice of hearing shall be given to each county and city and to any other public agency or private person who shall have filed a written request with the agency clerk for mailed notice thereof.

16666. After the hearing, the agency board may, by ordinance, wholly

or partially approve or disapprove the proposed regional water quality management plan, portion of the plan or amendment, as filed with the agency general manager, or it may order any changes therein, consistent with this chapter, which it deems advisable.

16667. Prior to adopting the proposed regional water quality management plan, the agency shall submit it to the State Water Resources Control Board for a finding that the proposed plan is in conformity with policies, plans and objectives adopted by the State Water Resources Control Board and the appropriate California regional water quality control boards for any and all waters within the region and for those waters outside the region which may have any effect inside the region in the development of the regional water quality management plan.

CHAPTER 6. STUDIES AND RESEARCH

16670. The agency, by itself or jointly with other public agencies or private persons may make studies and investigations and undertake research and development programs pertaining to the regional water quality management plan.

16671. To the maximum extent feasible, the agency shall cooperate with any other public agency undertaking a study or investigation on the same or similar subject and shall make the maximum use of any data and information available from any public or private sources.

16672. The agency may apply for and receive financial assistance from any public or private source for the purpose of paying all or a part of the costs and expenses of any studies and investigations or any research and development program undertaken by the agency.

16673. Research and development programs may be conducted either by the officers and employees of the agency or by others pursuant to contract authorized by the agency board. Any such contracts shall not be subject to the competitive bidding requirements of this division.

CHAPTER 7. IMPLEMENTATION OF THE REGIONAL WATER QUALITY MANAGEMENT PLAN

Article 1. Construction and Operation of Facilities by the Regional Agency

16680. The agency shall maintain close surveillance of the implementation of the regional water quality management plan.

16881. The agency may assume the responsibility for construction and operation, and may construct and operate water quality control facilities, or local sewage collection facilities to the extent necessary to provide service to existing development, consistent with the adopted and approved regional water quality management plan under the following conditions:

- (a) When requested to do so by a local agency or group of local agencies.
- (b) When the agency, after notice and a public hearing, finds both of the following:
 - (1) The proposed water quality control facilities and a firm commitment for their construction and operation are needed.
 - (2) A local agency or, collectively, a group of local agencies does not wish to proceed or cannot proceed.

"Existing development", for purposes of this section, means those areas designated by a board of supervisors or a city council, as the case may be, as areas intended for land uses which will require sewage collection facilities. A board of supervisors or city council shall make such designation by resolution within 30 days after receipt of an appropriate request from the agency. Such areas of existing development shall be consistent with the regional land use plan of the areawide agency designated by the federal or state government to perform regional planning for the entire region. (Amended 1974.)

16682. When the agency assumes responsibility for construction and operation of water quality control facilities pursuant to Section 16681 it shall have the authority as provided in the County Sanitation District Act, Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, and any proceedings thereunder shall be in accordance with the provisions of such act, to do the following:

- (a) Acquire, construct, operate and maintain water quality control facilities, including land, easements and rights-of-way.
- (b) Create assessment or improvement districts for the area to be served.
- (c) Incur indebtedness for capital expenditures.
- (d) Levy taxes, collect service or use charges and obtain revenue from other authorized sources from the area served by the facilities in order to pay administration, operating and maintenance costs and to repay indebtedness.

Article 2. Review of Applications for Financial Assistance

16683. As used in this chapter, "financial assistance" means financial assistance extended to any local agency by the state or federal governments or any other public agency, including grants and contractual arrangements, such as loans, loan guarantees, insurance and any other form of financial assistance, but shall not include financial assistance extended by one local agency to another local agency.

16684. If any application by a local agency for financial assistance relates to or substantially affects any matter within the scope of the regional water quality management plan, such application shall be submitted to the agency for review and comment prior to being submitted to the agency from whom financial assistance is proposed to be requested. In reviewing any such application, the agency shall take the following factors into account:

- (a) Whether the project or purpose for which financial assistance is requested is in conformity with the regional water quality management plan
- (b) The relative priority of such project or purpose with respect to other projects or purposes for which financial assistance is being or may be sought by other public agencies
- (c) Any other factors deemed to be relevant.

16685. A copy of every application by a local agency for financial assistance, other than applications subject to the provisions of Section 16684, shall be submitted to the agency not later than the date of its submission to the agency from whom financial assistance is requested.

The agency may submit comments and recommendations concerning the application to the applicant and to the agency from whom financial assistance is requested. Such comments and recommendations may include any of the factors mentioned in Section 16684.

16686. The agency board shall adopt an ordinance prescribing a procedure and providing standards and criteria to be followed by the agency in reviewing applications for financial assistance.

The ordinance may exempt from review certain classes of applications described by amount, project, purpose of assistance sought or other relevant criteria. The ordinance may authorize the agency general manager to review, comment or make recommendations upon certain classes of applications and to prescribe by rule supplementary standards and criteria not inconsistent with those contained in the ordinance.

16687. The agency shall coordinate its review of applications with the areawide agency designated by the federal or state government to perform metropolitan or regional planning, and with other review agencies.

Article 3. Review of Local Plans

16690. All plans for water quality control facilities proposed by local agencies, or groups of local agencies, which relate to or substantially affect any matter within the scope of the regional water quality management plan must be submitted to the agency board for study, comment and recommendation before final adoption by the local agency or groups of local agencies.

16691. Within 60 days after submission of the local plan, the agency board shall adopt a resolution providing for a public hearing thereon.

After such hearing the agency board shall either approve or disapprove, in whole or in part, such local plan. It shall notify the applying local agency of its action along with such comments and recommendations as the agency board may deem appropriate.

16692. If the agency board approves the proposed local agency plan, the local agency may finally adopt the same and proceed with its development.

16693. If the agency board finds and determines that the local agency plan is inconsistent with the regional water quality management plan, the local agency may modify its proposal and resubmit it for further consideration by the agency board, which shall hold further hearings on said resubmitted proposal. The agency board may approve or disapprove the modified plan in whole or in part. If the agency board disapproves the local agency plan, in whole or in part, it shall adopt specific findings setting forth the reasons for such disapproval.

CHAPTER 8. FINANCES

Article 1. Budget

16800. The fiscal year of the agency shall begin on July 1 of each year and end on June 30 of the following year.

16801. At such time as the agency board may prescribe, but not later than the first regular meeting of the board in May of each year, the agency general manager shall prepare and submit to the board a budget estimate of the expense of conducting the agency for the ensuing fiscal year. The budget estimate shall be in such form as the agency board may prescribe.

16802. After submission of the budget estimate, the agency board shall fix a time and place for hearing by the board thereon. Notice of such hearing shall be published, and mailed notice of such hearing shall be given to each county within the agency.

16803. Upon conclusion of the hearing and not later than June 10, the agency board shall approve the budget estimate, as submitted by the agency general manager or as revised by the board, and thereupon the same shall constitute the final budget for the ensuing fiscal year.

Article 2. Apportionment of Costs and Expenses

16804. To the extent that other available revenues are not sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency for administration, planning, and research, it may apportion such costs and expenses among the counties within the agency as provided for in this article. As used herein, "counties" shall include the City and County of San Francisco.

16805. If the board elects to apportion costs and expenses among the counties as herein provided, it shall at the time set for approving the budget estimate determine the amount to be apportioned among the counties. The amount so determined shall be divided between the nine counties in the proportions that the populations of each county bears to the total population within the agency; provided, that the amount apportioned to any one county shall not exceed an amount which shall be the equivalent of a rate of one-half cent (\$0.005) per one hundred dollars (\$100) of assessed valuation within such county as determined by the county assessor and the State Board of Equalization for the previous fiscal year. Population shall be determined and redetermined as provided for in Section 16333.

16806. Each county within the agency shall pay to the treasurer of the agency the amount apportioned to it at the times provided in this section. At least one-half the amount apportioned to each county shall be paid by it to the agency treasurer on or before December 30, with the remainder to be paid to the treasurer on or before April 30.

16807. Each county which has had apportioned to it a part of the agency's costs and expenses may obtain the revenue to pay such apportionment by means of tax revenues, by sewer service charges, an apportionment within the county as in this article provided, or from any other available revenues.

16808. A county may raise all of part of the revenue to pay its apportioned costs and expenses of the agency by collecting or causing to be collected sewer service charges from the users of sewer facilities within the county. The county may in its discretion enter into agreements with utilities, public or private, to have its service charge collected with the rates, tolls, and charges for any water or other utility service.

16809. A county may raise all or part of the revenue to pay its apportioned share of the costs and expenses of the agency by apportioning the same among local agencies owning or operating water pollution control facilities within the county. Such amount to be apportioned shall be divided between such local agencies in the proportions that the populations of each such local agency within the county bears to the total population within the county. The population of each county shall be determined and redetermined as provided for in Section 16333. If the county elects to so apportion part or all of its share of the agency's costs and expenses it shall transmit to each local agency on or before the first weekday in August a statement of the amount apportioned to said local agency. Each local agency shall pay its apportioned share to the county in installments at the times provided for in Section 16806.

Article 3. Temporary Borrowing

16830. For the purpose of payment of operating and other expenses the board may borrow money and issue notes in anticipation of the receipt of revenues to be obtained pursuant to this division. Any such notes may mature and may be made payable not later than the end of such fiscal year in which revenues anticipated will be received. The principal sum borrowed, together with all interest and any other amounts to become due and payable to the holders of the notes, shall not exceed the estimated amount to be received as provided for in this division. Except as otherwise provided for in this section, the notes shall be authorized and issued pursuant to Sections 53853 to 53857, inclusive, of the Government Code. (Amended 1974.)

16831. At any time prior to the receipt of the agency of funds any local agency within the agency may loan any available money to the agency for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of local agency funds.

16832. The provision of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, of Title 5 of the Government Code are incorporated by reference and shall apply to temporary borrowing of the agency.

CHAPTER 9. MERGER

16850. The agency, pursuant to any procedure which shall hereafter be prescribed by law, shall merge with or otherwise be included within any multifunctional regional organization which encompasses substantially the entire region, as defined in Section 16022, and which has been delegated substantially the same responsibilities as provided in this division. (Added 1972.)

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